

IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
S/S Beckleysville Rd., 2780 ft. \* ZONING COMMISSIONER  
E of c/l Falls Road \* OF BALTIMORE COUNTY  
4207 Beckleysville Road \* Case No. 93-126-A  
5th Election District  
3rd Councilmanic District  
Paul E. Abbott, Sr., et ux  
Petitioners

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance for that property known as 4207 Beckleysville Road, in the northern section of Baltimore County. The Petitioners herein request a variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a front yard setback of 45 ft. from the dwelling to the center line of the road, in lieu of the required 75 ft.; and variances from Section 400.1 and 400.3 of the B.C.Z.R. for two accessory storage barns. For the barn closest to the dwelling, a variance is requested to allow a side yard setback of 1.5 ft., in lieu of the required 2.5 ft., and to permit a height of 18.7 ft., in lieu of the required 15 ft. For the barn in the rear of the property farthest away from the dwelling, a variance is requested to allow a side yard setback of 1.5 ft. in lieu of the required 2.5 ft., and to permit a height of 23.5 ft. in lieu of the required 15 ft. All of the relief requested is more particularly shown on Petitioners' Exhibit No. 1.

The Petitioners/property owners, Mr. and Mrs. Paul E. Abbott, Sr., appeared and testified. Also appearing in support of the Petition was Albert L. Snyder, a surveyor who prepared the plat to accompany the Petition. There were no Protestants present.

Testimony and evidence presented at the hearing was that the subject site is zoned R.C.2, is 3.91 acres in area and has recently been subdivided into two lots. Lot No. 1 is 2.6 acres in area and lot No. 2 is 1.05 acres. Lot No. 1 is improved by the existing dwelling, two barns and a number of sheds. Lot No. 2 is unimproved. However, the Petitioner proposes to construct a house on lot No. 2. As a result of the Petitioner seeking approval of the proposed subdivision through the minor subdivision process, the need for the subject variances was discovered.

Testimony and evidence further indicated that the existing dwelling and barns were built approximately 90 years ago. The requested variances seek only to legitimize the existing conditions. The Petitioner stated that no new construction is contemplated on lot No. 1.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

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It is clear from the testimony that if the variances are granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variances requested, and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not cause any injury to the public health, safety and general welfare. Further, granting of the variance will be in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of November, 1992 that the Petition for a Zoning Variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a front yard setback of 45 ft. from the dwelling to the center line of the road, in lieu of the required 75 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that variances from Section 400.1 and 400.3 of the B.C.Z.R. to allow a side yard setback of 1.5 ft., in lieu of the required 2.5 ft., and to permit a height of 18.7 ft. in lieu of the required 15 ft., (for the barn closest to the house) be and is hereby GRANTED; and,

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IT IS FURTHER ORDERED that variances from Section 400.1 and 400.3 of the B.C.Z.R. to allow a side yard setback of 1.5 ft. in lieu of the required 2.5 ft., and to permit a height of 23.5 ft. in lieu of the required 15 ft., (for a barn in the rear of the property farthest from the house) all in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall not allow or cause the accessory structures/barns to be converted to a second dwelling unit and/or apartment. The barns shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LRS/mm

ORDER RECEIVED FOR FILING

Date 11/30/92  
By Ch. York

ORDER RECEIVED FOR FILING

Date 11/30/92  
By Ch. York

ORDER RECEIVED FOR FILING

Date 11/30/92  
By Ch. York

-4-

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning  
Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

November 30, 1992

Mr. and Mrs. Paul E. Abbott, Sr.  
4810 Mt. Carmel Road  
Hampstead, Maryland 21074

RE: Case No. 93-126-A  
Petition for Variance  
4207 Beckleysville Road

Dear Mr. and Mrs. Abbott:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner

LRS:mmm  
att.



## Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4207 Beckleysville Rd.  
which is presently zoned R.C. 2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A01.3.B.3 to allow a front dwelling setback of 45' to centerline of road in lieu of the required 75'. 400.1 & 400.3 On accessory storage barns, to allow a side setback of 1.5 feet in lieu of the required 2.5 feet & heights of 18.7' & 23.5' in lieu of the required 15'.  
The undersigned, legal owner(s) of the property situated in Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)  
Buildings are existing and no new property lines have been established which would alter the existing conditions.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Lessor:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City

State

Zipcode

When do voluntarily declare and affirm, under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Paul E. Abbott Sr.

Paul E. Abbott Jr.

Emily S. Abbott

Emily S. Abbott

4810 Mt. Carmel Rd. (410) 374-2222

Hampstead, Md. 21074

City, Address and phone number of legal owner, contact purchaser or representative to be contacted.

A.L. SNYDER

1911 HANNOVER PIKE

HAMPSTEAD, MD. 21074

(410) 299-7744

ESTIMATED LENGTH OF HEARING

Available for Hearing 1 1/2 hr

See following date

ALL OTHERS

RECEIVED BY 16 DATE 12-16-92

133

A. L. Snyder  
Surveyor, Inc.  
1911 Hanover Pike  
Hampstead, Maryland 21074  
(410) 239-7744  
93-126-A  
133  
(410) 374-9695

Description to Accompany Zoning Petition  
4207 Beckleysville Road

Beginning for the same on the south side of the centerline of Beckleysville Road 2750 feet east of Falls Road, and running thence  
1.) S 78° 16' 12" E 465.95 feet,  
2.) S 06° 11' 15" W 370.26 feet,  
3.) N 83° 36' 24" W 408.99 feet,  
4.) N 01° 21' 24" W 417.25 feet to the place of beginning.

Containing 3.91194 Acres of land more or less.

Being all that parcel of land recorded in Deed Liber E. H. K. Jr. 7157 folio 659 etc.



MEMBER: Md. Soc. of Surveyors • W. Va. Assoc. of Land Surveyors • A.C.E.M.

133

#### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 12th Date of Posting 11/1/92  
Posted for Variance  
Petitioner: Paul E. & Emily S. Abbott  
Location of property: 4207 Beckleysville Rd., 2780 E/Falls Rd.  
Location of sign: Along road way on property of Petitioner  
Remarks: None  
Posted by: [Signature] Date of return: 11/13/92  
Number of Signs: 1

#### CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct 29, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Oct. 29, 1992.

THE JEFFERSONIAN,

S. Zabe Orlin  
Publisher

93-126-A 133 receipt

Baltimore County Government  
Office of Zoning Administration and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150

Date: 10/15/92 ITEM #133

ABBOIT  
4207 Beckleyville Rd  
2nd Floor Suite 201  
Baltimore, MD 21204

not administrative since not owner occupied, subject of variance \$50.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government  
Office of Zoning Administration and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150

Date: 10/15/92

PAID PER HAND-WRITTEN RECEIPT DATED 10/15/92

93-126-A 133 receipt

DESCRIPTION	QTY	PRICE
PUBLIC HEARING FEES	1	\$50.00
VARIANCE	1	\$50.00
TOTAL		\$100.00

LAST NAME OF OWNER: ABBOTT

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government  
Office of Zoning Administration and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150

Date: 11-24-92

93-126 HEARING

0460480117NICHRC  
\$65.45

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government  
Office of Zoning Administration and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

Date: 11/2/92

Paul and Emily Abbott  
4810 Mt. Carmel Road  
Hampstead, Maryland 21074

RE: CASE NUMBER: 93-126-A (Item 133)  
5/8 Beckleyville Road, 2780' E of c/1 Falls Road  
4207 Beckleyville Road  
5th Election District - 3rd Councilmanic  
Petitioner(s): Paul E. Abbott, Sr. and Emily S. Abbott  
HEARING: TUESDAY, NOVEMBER 24, 1992 at 9:30 a.m. in Rm. 118, Old Courthouse.

Dear Petitioner(s):

Please be advised that \$ 65.45 is due for advertising and posting of the above captioned property and hearing data.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) REMOVED ON THE DAY OF THE HEARING OR THE CHECK SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Bel John

ARNOLD JARLOW  
DIRECTOR

Printed on Recycled Paper

Baltimore County Government  
Office of Zoning Administration and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

OCT. 21 1992

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-126-A (Item 133)  
5/8 Beckleyville Road, 2780' E of c/1 Falls Road  
4207 Beckleyville Road  
5th Election District - 3rd Councilmanic  
Petitioner(s): Paul E. Abbott, Sr. and Emily S. Abbott  
HEARING: TUESDAY, NOVEMBER 24, 1992 at 9:30 a.m. in Rm. 118, Old Courthouse.

Variance to allow a front dwelling setback of 45 feet to centerline of road in lieu of the required 75 feet; and on accessory storage barns, to allow a side setback of 1.5 feet in lieu of the required 2.5 feet and heights of 18.7 feet and 23.5 feet in lieu of the required 15 feet.

Lawrence E. Schmidt

Zoning Commissioner of Baltimore County

cc: Paul and Emily Abbott  
A. L. Snyder

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

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Baltimore County Government  
Office of Zoning Administration and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

November 17, 1992

Mr. and Mrs. Paul E. Abbott, Sr.  
4810 Mount Carmel Road  
Hampstead, MD 21074

RE: Case No. 93-126-A, Item No. 133  
Petitioner: Paul E. Abbott, Sr., et ux  
Petition for Variance

Dear Mr. and Mrs. Abbott:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

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Baltimore County Government  
Office of Zoning Administration and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

Your petition has been received and accepted for filing this 16th day of October, 1992.

Bel John

ARNOLD JARLOW  
DIRECTOR

Received By:  
W. Carl Richards Jr.  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Paul E. Abbott, Sr., et ux  
Petitioner's Attorney:

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DRM/Developers Engineering Division (Public Services)

Development Review Committee Response Form  
Authorized signature: Dennis R. Kennedy Date: 11/2/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
St. Thomas Joint Venture	130		10-26-92
DED DEPRM RP STP TE			NC
Perry Hall Square Partnership	131		
DED DEPRM RP STP TE			NC
Colleen M Kelly and Gary L. Pitts	132		
DED DEPRM RP STP TE			NC
Paul E. and Emily S. Abbott	133		
DED DEPRM RP STP TE			NC

COUNT 4

90476 Stonegate at Patapasco (Aerial Property) 6-1-92  
ZON DED TE (Waiting for developer to submit plans first)

COUNT 1

FINAL TOTALS  
COUNT 5

\*\*\* END OF REPORT \*\*\*

Rec'd 11/2/92

SHA Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

Ms. Julie Winiarski  
Zoning Administration and Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No. 93/133 (LJ6)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,  
David Ramsey 11/2/92  
John Contestabile, Chief  
Engineering Access Permits  
Division

My telephone number is \_\_\_\_\_

202-7555 Baltimore Metro - 888-6451 D.C. Metro - 1-800-452-5023 Statewide Toll Free  
787 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management  
DATE: October 28, 1992

FROM: Ervin Mc Daniel, Chief  
Office of Planning and Zoning  
Development Review Section

SUBJECT: Petitions from Zoning Advisory Committee  
(October 26, 1992)

The Office of Planning and Zoning has no comments on the following petition(s):  
Paul & Emily Abbott, Sr., Item No. 133

If there should be any further questions or if this office can provide additional  
information, please contact Francis Morsey in the Office of Planning at 887-3211.

Prepared by: Francis Morsey

Division Chief: \_\_\_\_\_

EMcD/FM:rdn

133.ZAC/ZAC1

Rec'd 11/1/92

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management  
DATE: November 2, 1992

FROM: J. Lawrence Pilson JLP  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #133  
4207 Beckleysville Road  
Zoning Advisory Committee Meeting of October 26, 1992

The Department of Environmental Protection and Resource Management offers  
the following comments on the above referenced zoning item.  
Development of the property must comply with the Regulations for the  
Protection of Water Quality, Streams, Wetlands and Floodplains.

LP:sp

BECKLEYS/TXTSBP

Rec'd 11/10/92

DPW/Traffic Engineering  
Development Review Committee Response Form  
Authorized signature: Walter T. P. P. Date: 11/12/92

Project Name	File Number	Waiver Number	Zoning Issue	Meeting Date
York Stevenson Limited Partnership	121			10-19-92
AP	TE	W/C		

COUNT 1

St. Thomas Joint Venture	130			10-28-92
DED DEPRM RP STP TE	N/C			
Perry Hall Square Partnership	131			
DED DEPRM RP STP TE	N/C			
Colleen M Kelly and Gary L. Pitts	132			
DED DEPRM RP STP TE	N/C			
Paul E. and Emily S. Abbott	133			
DED DEPRM RP STP TE	N/C			

COUNT 4

Stonegate at Patapsco (Acreal Property)  
90476  
ZON DED TE (Waiting for developer to submit plans first) 6-1-92

COUNT 1

FINAL TOTALS  
COUNT 6

\*\*\* END OF REPORT \*\*\*

Rec'd 11/2/92

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21204-5500

OCTOBER 21, 1992

(410) 887-4500

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: PAUL E. ABBOTT, SR. AND EMILY S. ABBOTT

Location: #4207 BECKLEYSVILLE ROAD

Item No.: 133 (LJG) Zoning Agenda: OCTOBER 26, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by  
this Bureau and the comments below are applicable and required to be  
corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

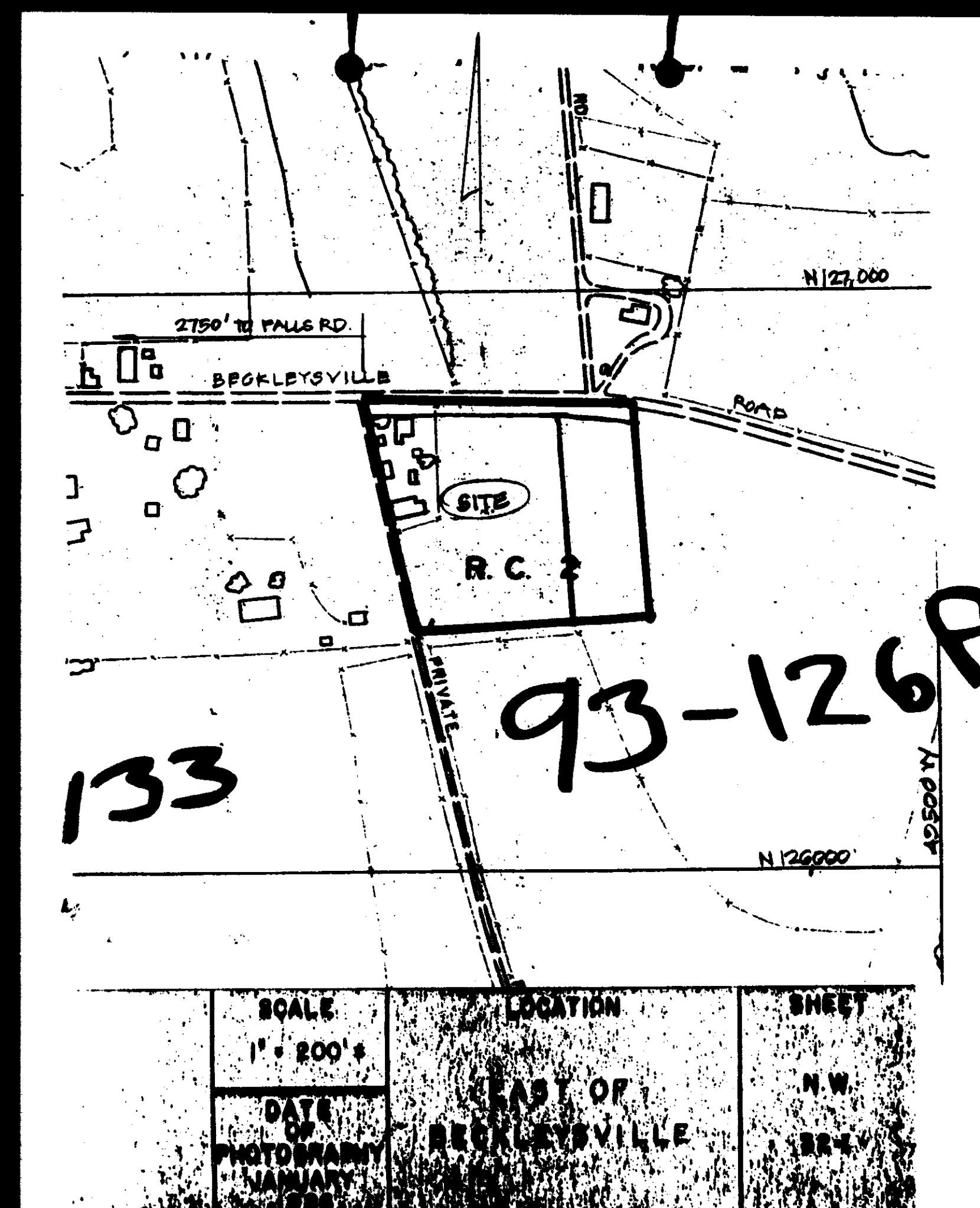
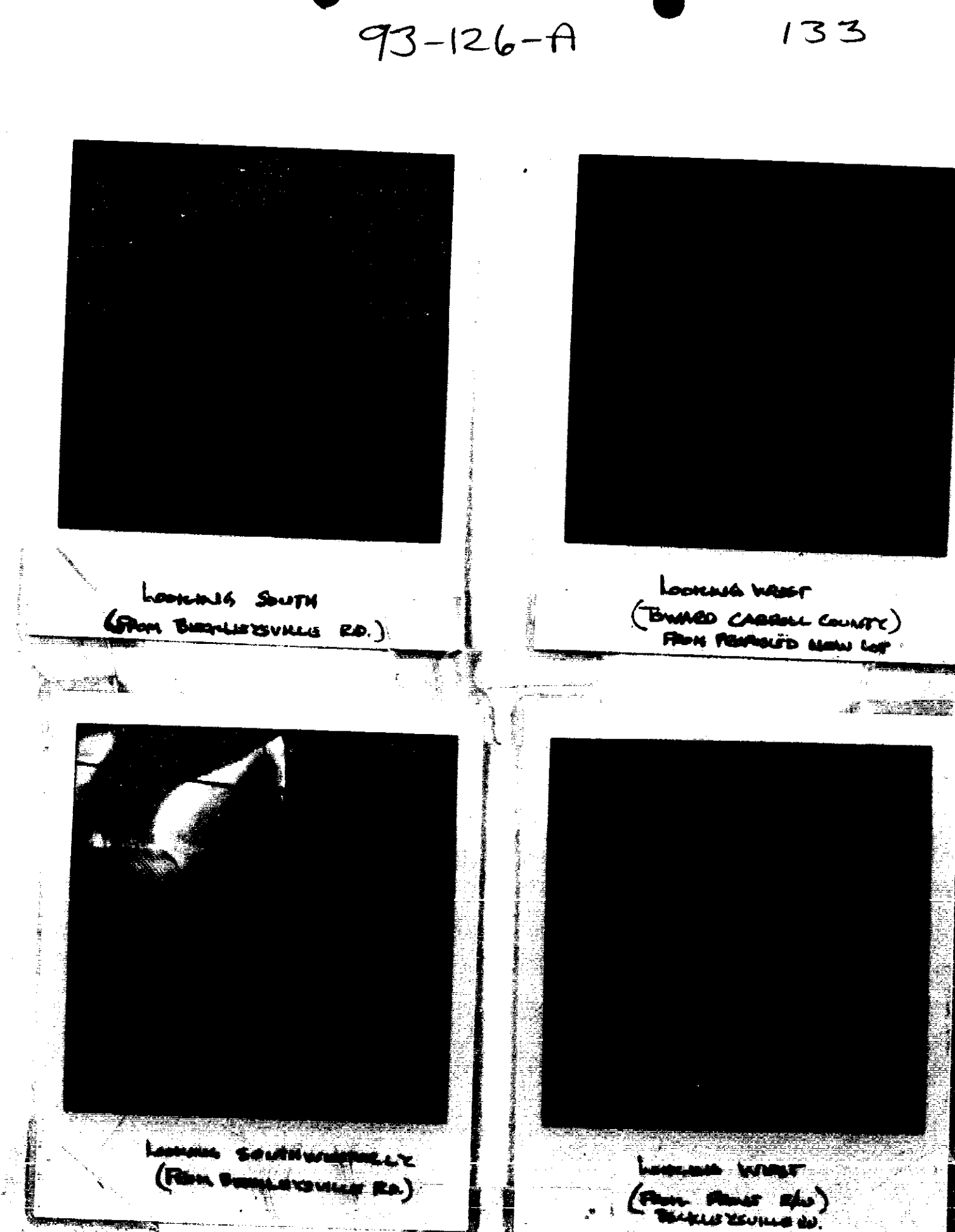
REVIEWER: Capt. James R. Pifer  
Planning Group  
Special Inspection Division

JP/KEK

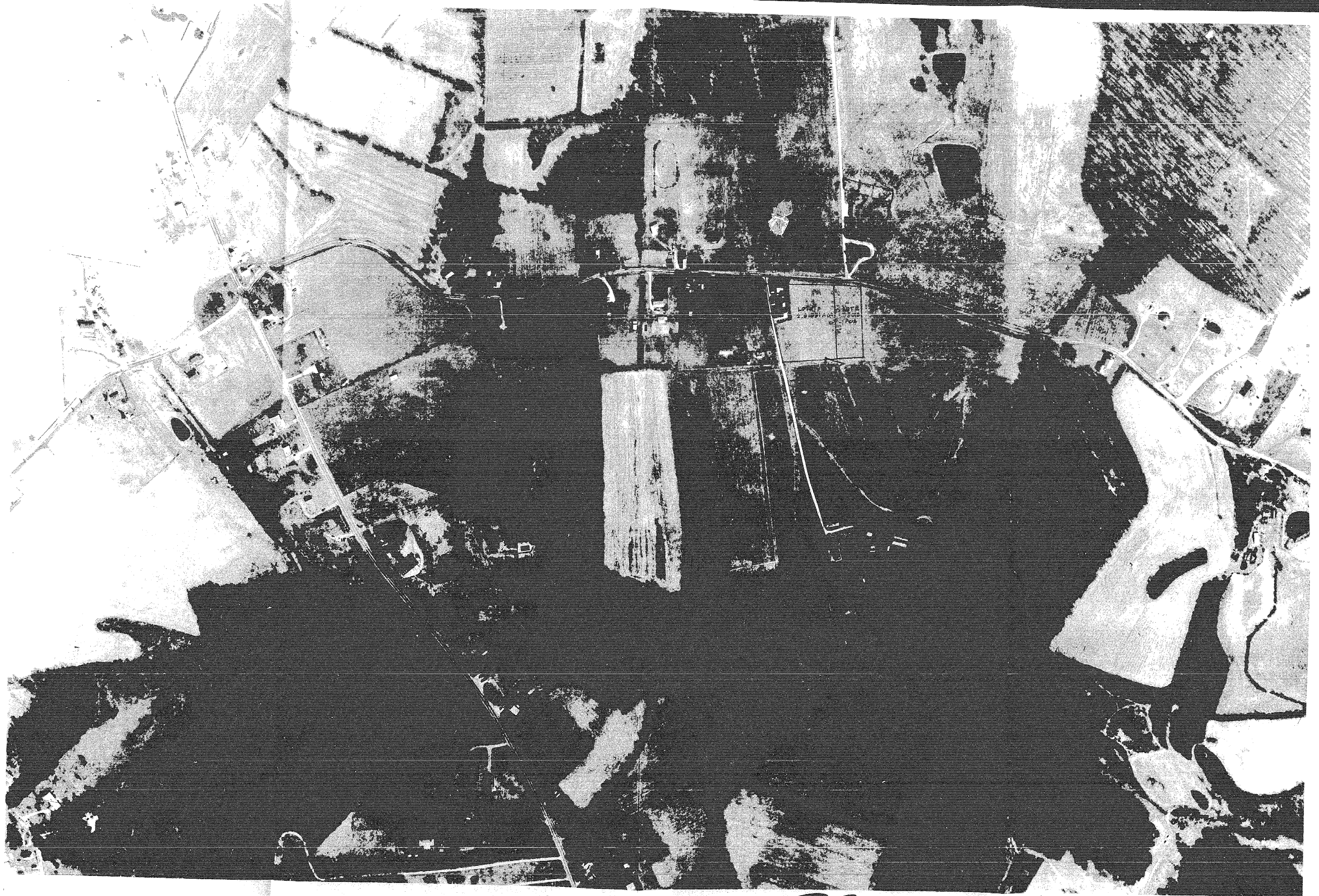
PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<u>Paul E. Abbott Sr.</u>	<u>4810 MT. CARMEL RD. Hampstead MD 21074</u>
<u>Albert Leroy Snyder</u>	<u>1911 HAWKING RIVER HAMPSTEAD MD 21074</u>







BALTIMORE COUNTY **93-126-A**  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401

SCALE  
1" = 200' ±

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION  
  
EAST OF  
BECKLEYSVILLE

SHEET  
  
N.W.  
32-I